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SUBJECT: HAITIANS IN THE DOMINICAN REPUBLIC - - THEY JUST
WON'T GO AWAY

REF: A. A) GENEVA 02561

[B](#). B) SANTO DOMINGO 02790
[C](#). C) SANTO DOMINGO 03250

Classified By: Pol Counselor Michael A. Meigs. Reason: 1.4 (b) and (d)

[1](#). (U) SUMMARY: Unfulfilled promises, nationalistic rebuffs and outright distortions continue to characterize the Dominican response to international concerns over the country's treatment of its largely undocumented Haitian minority. Despite repeated pledges, the government has failed to comply with the September 2005 citizenship and registration ruling against it by the Inter-American Court of Human Rights. Discrimination, mistreatment and arbitrary deportations targeting individuals of Haitian ancestry are commonplace. Haitians are hugely unpopular among Dominicans, who blame them for many social ills. Outside appeals to the Dominican Government to improve its treatment of Haitians are growing in both frequency and seriousness; even so, Dominican attitudes are deeply rooted and real reform is not expected anytime soon. END SUMMARY.

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A year passes without action on the IACHR ruling...
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[2](#). (U) October 4 was the one-year anniversary of the judgement in the Inter-American Court of Human Rights (IACHR) against the Dominican government for refusing to provide birth certificates and citizenship papers to two Dominican-born girls of Haitian descent. The case was originated in 1998 with the assistance of the Berkeley (California) Center for Human Rights and Dominican non-governmental organizations. The Inter-American Human Rights Commission was unable to mediate a solution and passed it to the IACHR. Although Dominican authorities had issued citizenship papers in 2003, the IACHR ordered the authorities to rework their system for issuing birth certificates and to provide an apology and monetary compensation to the plaintiffs.

[3](#). (U) Foreign Minister Carlos Morales Troncoso pledged in December 2005 and again at the OAS General Assembly in Santo Domingo in June that the government would comply with the ruling. To date the administration has not done so. Even the simplest of the ruling's provisions - those giving the country one year to issue an apology to the girls and payment of basic compensation - have not been carried out. Administration officials have not responded to press commentaries about the subject, including a heavily ironic

one on September 30 by leading journalist Juan Bolivar Diaz (available on our SIPRNET site).

... while reports of abuse against Haitians continue.

¶4. (U) All the while, abusive treatment of Haitians has continued. More than 18,000 Haitians and individuals of Haitian descent were deported to Haiti over the first eight months of 2006 alone. Many deportees alleged mass roundups in the communities where they resided, during which they were not allowed to present residence documentation or collect their belongings. Detainees were at times confined in very close quarters for up to several days pending deportation. They say they are denied food and water for up to 24 hours at a time. Dominican-based human rights organizations say they have corroborated these allegations. Government officials deny their accusations, sometimes going so far as to revile the organizations and individual members of them.

¶5. (U) Even Dominican-born persons who have never set foot in Haiti are at risk of being deported. The country's constitution grants Dominican citizenship to all persons born on Dominican soil - except those born to diplomats or to parents who are "in transit." The Dominican government has long relied on the "in transit" exemption to deny birth certificates and citizenship registration to children born to Haitian parents, defining as "in transit" those who are undocumented or hold only temporary employment authorization (the cases of the great majority of the 700,000 to 1 million Haitian nationals in the country). In its October 2005 decision on a constitutional complaint lodged by the Jesuit Service for Migrants, the Dominican Supreme Court confirmed the government's application of the "in transit" exception to children born to individuals without residence papers, citing

provisions of the Haitian constitution that confer Haitian citizenship to all children of Haitian nationals. On October 9 in a speech to open consultations on constitutional reform, President Fernandez advocated amending the national charter to make this specific.

¶6. (U) Haitians are not the only individuals unserved by the national registration services. As many as 20 percent of the population of unquestionable Dominican nationality fails to obtain citizenship documents (cedulas). Many simply cannot afford the fees. The National Registry typically issues no documents to those who fail a stringent 11-point proof of nationality test. Hospital birth certificates, often not available, are insufficient for civil use. Lacking birth certificates, children are unable to apply for medical benefits or schooling beyond fourth grade. (For a time, the plaintiffs in the IACHR case had to attend night school classes for adults.) When children come of age lacking such crucial identity documentation, they face in turn problems registering the births of their own children -- thus perpetuating a vicious cycle of poverty.

¶7. (U) The government has no policy of discrimination against Haitians or Dominico-Haitians, but that fact counts for little. During 2006, newspapers and media regularly reported that individuals and groups targeted Haitians for beatings, arrests, abuse and discrimination on the basis of their ethnic and national origin. For example, in January men dressed in military uniforms were seen setting ablaze more than 30 dwellings in the Haitian community of El Fao, Guerra. The act was interpreted as reprisal for the death of an Air Force sergeant. The Secretary of the Armed Forces later disputed the allegations of military involvement, asserting that NGOs were seeking to tarnish his agency's reputation.

Outsiders begin to take notice...

¶8. (U) More outside organizations and governments are taking an interest in the plight of the Haitian community in the

Dominican Republic. In September a coalition of seven British NGOs sent an open letter to President Fernandez complaining about the many problems facing Haitians in the country. Among other demands, the organizations called on Fernandez to comply with last year's IACHR ruling and to convene a dialogue with Haiti to discuss the formulation of migration policies and border controls between their countries.

¶9. (C) In August the United Nations High Committee on Refugees (UNHCR) sent a representative to the Dominican Republic to investigate allegations that Haitian refugees were being systematically denied basic legal rights. In a private message to post's political officer at the conclusion of the visit, the UNHCR representative (PROTECT) concluded,

(QUOTE) I was quite discouraged by the end of my mission, as a result of my meetings with government officials. The situation is more bleak, even, than I had thought, in that the human rights violations as well as due process violations that Haitian asylum seekers and refugees are experiencing are more generalized, and far more serious, than I had anticipated. I am currently in discussions with my Director to reorient UNHCR's advocacy and protection strategy in the Dominican Republic, and I would certainly like to be in touch with you further once the way forward is better defined.
(END QUOTE)

¶10. (C) Secretary-General of the International Organization for Migration (IOM) Brunson McKinley used his visit in September to stress the importance of improving migratory policy. An IOM staffer subsequently commented to Embassy's DCM that IOM visitors were unimpressed with the response they received from the Dominicans. He indicated that IOM would encourage more dialogue on Haitian migration in the Dominican Republic, seeking to convince Dominicans of the important role that Haitians play in their country and of the need to guarantee their basic human rights.

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A Formal Dialogue in Norway
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¶11. (U) The idea of promoting dialogue between the Dominican and Haitian governments as a means to improve migratory policy is not a new one. It has been tried before - most

recently in August of this year, when the Norwegian government supported a conference in Norway involving Dominican and Haitian civil society representatives to "mediate" a discussion on migratory policy. The Dominican government's response to press reports was swift and pointed: "The Dominican Government has not asked for, nor does it require the assistance of the Government of Norway in negotiating with the Government of Haiti concerning migratory problems," announced the Dominican Ministry of Foreign Affairs the next day.

¶12. (U) UNHCR has long taken an interest in issues of refugees and statelessness in the Dominican Republic. The organization had a permanent office in the country from 2003 to 2005 but closed it, ostensibly due to budgetary constraints. A few months ago an organization representing Haitian refugees in the Dominican Republic sent an open letter to the UNHCR requesting that the organization establish a permanent office in the Dominican Republic. The letter complained of the problems faced by Haitian asylum seekers, such as the government's refusal to process their claims and the continued deportation even of those whose claims are in process. Ref A documents comments of Philippe Lavanchy, Director of the Bureau for the Americas at UNHCR, and to PRM Assistant Secretary Ellen Sauerbrey, about this organization's concern over the predicament of "stateless" persons in the Dominican Republic. Lavanchy said that UNHCR found it very difficult to work in the country (a polite characterization of the Dominican government's open hostility to foreign intercessions on behalf of Haitians). Lavanchy said he was worried that re-opening UNHCR representation

might draw more Haitian asylum-seekers across the border.

¶14. (U) Last month the World Bank announced the approval of a USD 3.5 million project to support a program to provide birth certificates and other forms of documentation to approximately 450,000 who lack such documents. Luis Arias, president of the Central Election Board, which oversees all registrations, commented that Haitians would not be permitted to use the program as a means "to apply fraudulently" for identity documents.

¶15. (SBU) A Dominican nationalist streak usually colors discussions of Haitian migration. Perceptions of outside interference in Dominican migration policy often spark prickly assertions of national sovereignty. This tendency contrasts with the Dominican strategy in other areas, where the government tends to respond to international concerns in a more pragmatic and cooperative fashion.

¶16. (U) An example of the emphatic Dominican views on Haitian migration was the government's ready support of the U.S. position opposing creation of a permanent UN forum on international migration. The UN Secretary General had hoped that the creation of such a forum would be one of the outcomes of the UN's September High-Level Dialogue on International Migration and Development. During our visit to the MFA Under Secretary for Consular Affairs, she anticipated the subject and announced her government's opposition to the forum before the political officer had a chance to state the U.S. position.

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The Problem's Roots Run Deep. . .
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¶17. (U) Haitian migration is enormously unpopular among Dominicans at virtually all levels of society. In a process familiar worldwide, resident aliens are blamed for social problems of violence, drugs, prostitution and economic instability. Haitians are so unpopular here that the leader of a local NGO privately confided that his organization's work with destitute Haitians was permitted by local politicians only as long as their constituents did not learn of the assistance. A common sentiment among educated Dominicans is that the international community is leaving the Dominican Republic to address the consequences of Haiti's instability on its own. The complement to that is the urban myth that developed countries intend to unite the two countries as the single state of "Hispaniola," thereby dumping all responsibility on the Dominicans.

¶18. (U) Undocumented Haitians have long been a reliable source of cheap labor for sugar harvesting and processing companies. The Dominican government has traditionally been unwilling to enforce basic labor standards on the sugar plantations where thousands of Haitians work. This official

indifference spawned the creation of virtual sugar fiefdoms where Haitian workers were kept in conditions that have been described as modern-day slavery. This dark kingdom is in decline; 9 of 10 sugar operations privatized by the government in the late 1990's are bankrupt, and the Haitian communities near them have no work. The leading enterprises Central La Romana and the Vicini Corporation are investing in mechanization, aiming to reduce by two-thirds the employment of canecutters.

¶19. (U) In recent years human rights organizations, including the Catholic Church, have mounted a sustained and forceful information campaign concerning both the Dominican Government and the private corporations that exploited Haitian labor. Their efforts have borne some fruit. Ref B notes the improvements instituted recently on land owned by the Vicini Corporation, the second-largest private producer of sugar in the country.

¶20. (SBU) This progress has not come without casualties. Ref C notes that the two foreign Catholic priests most

actively and publicly involved in improving conditions on the "bateyes" (sugarcutters' villages) have both been recalled. Belgian priest Father Pedro Ruquoy was recalled by his order last year shortly after it was discovered that he had declared as his own children two Dominican-born boys of Haitian descent, in order to secure legal residency documents for them. Father Christopher Hartley, well-known for his outspoken and at times controversial work defending Haitians since 1998 in San Pedro de Macoris , was recalled to New York at the beginning of the month. Though Church spokesmen say that the recall was routine and not politically motivated, it appears to have been unexpected. During a meeting with Embassy political officers in September Hartley spoke of long-range projects he was only just beginning. He has not responded to e-mail requests for clarification.

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... but are twisted by contradictions.
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¶21. (SBU) This domestic opposition to immigration is remarkably absent in Dominican discussions of U.S. immigration policy. During the DCM's courtesy call last month on the Director General of Migration Carlos Amarante Baret, visitors were treated to an extended denunciation of U.S. deportation policy, as detrimental for families. Dominican news agencies adopt a similarly two-faced approach, strongly supporting Dominican deportations of Haitians on the one hand while criticizing as overly strict U.S. immigration and deportation policy on the other. The cover of last Thursday's edition of one of the most widely-read newspapers in the country featured an oversized photo of a girl of Dominican descent crying in fear that her mother could be deported from the United States for violations of immigration law. Left unsaid was the fact that fewer than a thousand Dominicans were deported from the United States for non-criminal offenses in 2004, while more than 18,000 Haitians were deported from the Dominican Republic during the first eight months of this year alone.

¶22. (U) It is ironic that government officials remain unable or unwilling to establish effective border controls, which could be the single most effective approach to the migratory problems. An interagency team coordinated by Southcom and the Embassy conducted a border survey in July 2005, responding to a request of President Fernandez. They concluded that the Dominican Army, charged with policing the Dominican-Haitian border, had virtually no control in many areas of traffic between the two countries. The report offered recommendations for more effective controls, including the proposal of a civilian-staffed Border Patrol. To date the only vigorous response was the prompt announcement of the Defense Minister that the armed forces would set up a Specialized Corps for the Border - - staffed by the military.

¶23. (U) Drafted by Alexander T. Bryan.

¶24. (U) This report and other material can be consulted on our SIPRNET site,
<http://www.state.sgov.gov/p/wha/santodomingo/> .
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